

OGC 77-0051  
3 January 1977

OGC Has Reviewed

Honorable Bella S. Abzug, Chairwoman  
Subcommittee on Government  
Information & Individual Rights  
Committee on Government Operations  
U. S. House of Representatives  
Washington, D. C. 20515

Dear Madam Chairwoman:

This letter is in response to your inquiry as to whether the Federal Records Act applies to the Central Intelligence Agency.

The Federal Records Act was enacted in 1950, as an amendment to the Federal Property and Administrative Services Act (FPAS), and its provisions, as amended, now appear as Chapters 21, 25, 27, 29 and 31 of Title 44 of the U. S. Code. The FPAS Act, originally enacted in 1949 within a few days after the enactment of the CIA Act of 1949, provided in part that nothing therein "shall impair or affect any authority of ... [the] Central Intelligence Agency," and this proviso was carried over by the 1950 legislation that added the Federal Records Act, as a new Title V, to the FPAS Act. The proviso remains in force and therefore represents a continuing and valid limitation on the applicability of the Federal Records Act to the CIA. We do not understand or consider that the proviso totally exempts the CIA from the requirements of the Federal Records Act, but only that the Agency is not bound by those requirements to the limited extent that they may be in conflict with the Agency's basic authorities and missions.

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FOIAB5 The matter of the disposal and destruction of Government records is governed not by the Federal Records Act but rather by the provisions of Chapter 33 of Title 44 of the U. S. Code. Those provisions apply broadly to all executive agencies, including CIA.



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Sincerely,

STATINTL

OGC

Anthony A. Lapham  
General Counsel

OGC/AAL/sin

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